

**CITY COUNCIL  
ATLANTA, GEORGIA**

**00-R -1938**

**A RESOLUTION**

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$3,000.00 IN SETTLEMENT OF THE CLAIM  
OF CLELLIE G. MCCRARY AGAINST THE CITY OF  
ATLANTA**

**WHEREAS, CLELLIE G. MCCRARY** has filed a claim against the City of Atlanta seeking damages arising out several occurrences of sewer back ups to her property located at 3470 Heritage Valley Road; and

**WHEREAS,** property owned by **CLELLIE G. MCCRARY** has been damaged due to several occurrences of sewer back ups which occurred on August 11, 1995, September 25, 1997 and December 25, 1998; and

**WHEREAS,** the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

**WHEREAS,** inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

**WHEREAS,** the claimant has asserted damages in the amount of \$3,000.00 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS,** the City Attorney has recommended that the claim of **CLELLIE G. MCCRARY** be settled for the sum of \$3,000.00.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$23,817.00 be paid by the City of Atlanta in satisfaction of any and all claims **CLELLIE G. MCCRARY** owner of property located at 3470 Heritage Valley Road may have stemming from damages sustained to her property on August 11, 1995, September 27, 1997 and December 25, 1998.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

  
Deputy Clerk

**ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403**

DEC 04, 2000

DEC 13, 2000

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 97L0641 & 99L0059

Date: November 15, 2000

Claimant /Victim CLELLIE G. MCCRARY

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 3470 Heritage Valley Road, Atlanta, Georgia 30331

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 3,000.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 10/03/97 & 01/04/99 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 08/11/95, 09/25/97 & 12/25/98 Place: 3470 Heritage Valley Road

Department Public Works Division: Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant's property was damaged due to several occurrences of sewer back ups. The City was on notice of this problem prior to the events occurring on September 25, 1997 and Decmeber 27, 1998.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$ 3,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 11-15-00

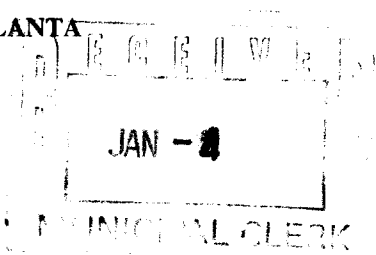
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Mitchell  
Dennis  
01/07/99

Today's Date: 12-29-98



Dear Municipal Clerk:

ENTERED - 2-10-99 - SB  
99L0059 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3,000.00 property and for  
\$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 12-25-98 2. Time of Incident: 3:00a.m. 3. Police called: Yes ☒ No ☐  
(month/day/year).

4. Location of incident (including street address): 3470 Heritage Valley Rd Atlanta, Ga 30331

5. Name of your insurance company: State Farm Ins. Policy No. 11-E1-8432-0

6. State what and how incident occurred: This is the third incident that that has occurred to my residence. The city has not saw fit to replace any carpet or damage to my property caused by them. This injustice to me is unfair as a senior citizen. I do not think that I have to be subjected to this kind of unsanitary condition due to my illness.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: (Make) (Year) (Tag Number) (Driver's Name)

City vehicle: (Make) (City Driver's Name) (Department/Bureau)

9. Witness: (Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant  
Clettie G. McCrary

Clettie G. McCrary  
(Print Claimant's Name)

3470 Heritage Valley Rd  
(Address)

Atlanta, Ga. 30331  
(City, State and Zip Code)

\* See attached copy

(404) 344-1975  
(Work Number) (Home Number)

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 10/11/97

ENTERED - 11/13/097 - tew  
97 L0641 - ANTHONY G. OAITIS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3000.00 property and/or  
\$ 500.00 bodily injury for which I contend the City is liable.

1. Date of incident: 9/25/97 (month/day/year). 2. Time of Incident: 8:30 AM 3. Police called: ✓  
Yes No
4. Location of incident (including street address): 3470 Heritage Valley Rd. S.W. Atlanta, GA 30331
5. Name of your insurance company: State Farm Policy No. 0127-14358-27
6. State what and how incident occurred: When we Awaken The down stairs  
Was Flooded With water and raw Sewage With  
back up From Street This the second Time this  
has happened due to The Negligence of The City
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL  
RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of  
repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by  
State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE  
INFORMATION IS TRUE AND CORRECT.

X Clellie G. McCreary  
Signature of Claimant

Clellie G. McCreary  
(Print Claimant's Name)  
3470 Heritage Valley Rd. S.W.  
(Address)  
Atlanta, GA 30331  
(City, State and Zip Code)

(Work Number)

(Home Number)

RCS# 2434  
12/04/00  
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	B Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-1874  
00-O-1986  
00-R-1950

CONSENT

		12/04/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1289 2. 00-O-1680 3. 00-O-1792 4. 00-O-1797 5. 00-O-1003 6. 00-O-1228 7. 00-O-1795 8. 00-O-1796 9. 00-O-1860 10. 00-O-1616 11. 00-O-1853 12. 00-O-1801 13. 00-O-1963 14. 00-O-1965 15. 00-R-1788 16. 00-R-1886 17. 00-R-1953 18. 00-R-1955 19. 00-R-2009 20. 00-R-2010 21. 00-R-2011* 22. 00-R-1890 23. 00-R-1937 24. 00-R-1938 25. 00-R-1939 26. 00-R-1940 27. 00-R-1988 28. 00-R-2006 29. 00-R-2013 30. 00-R-1887 31. 00-R-2015 32. 00-R-1957 33. 00-R-1958 34. 00-R-1877 35. 00-R-2008	36. 00-R-1959 37. 00-R-1882 38. 00-R-1985 39. 00-R-1943 40. 00-R-1945 41. 00-R-1946 42. 00-R-1947 43. 00-R-1948 44. 00-R-1949 45. 00-R-1951 46. 00-R-1970 47. 00-R-2016 48. 00-R-1901 49. 00-R-1902 50. 00-R-1903 51. 00-R-1904 52. 00-R-1905 53. 00-R-1906 54. 00-R-1907 55. 00-R-1908 56. 00-R-1909 57. 00-R-1910 58. 00-R-1911 59. 00-R-1912 60. 00-R-1913 61. 00-R-1914 62. 00-R-1915 63. 00-R-1916	64. 00-R-1816 65. 00-R-1817 66. 00-R-1818 67. 00-R-1819 68. 00-R-1820 69. 00-R-1821 70. 00-R-1822 71. 00-R-1823 72. 00-R-1824 73. 00-R-1825 74. 00-R-1826 75. 00-R-1827 76. 00-R-1828 77. 00-R-1829 78. 00-R-1830 79. 00-R-1831 80. 00-R-1832 81. 00-R-1833 82. 00-R-1834 83. 00-R-1836  * President Pitts recused himself.

00-R -1938

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION  
COMMITTEE

A RESOLUTION AUTHORIZING  
PAYMENT IN THE AMOUNT OF  
\$3,000.00 IN SETTLEMENT OF THE  
CLAIM OF CLELLIE G. MCCRARY  
AGAINST THE CITY OF ATLANTA

APPROVED BY:

*Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

ADOPTED BY  
DEC 04 2000  
COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair *C.T. Martin*  
Referred to \_\_\_\_\_

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED

DEC 4 2000

*Debra M. Starns*  
COUNCIL PRESIDENT PROTEM

CERTIFIED

DEC 04 2000

*Debra M. Starns*  
COUNCIL PRESIDENT PROTEM

MAYOR'S ACTION

APPROVED

DEC 13 2000

WITHOUT OPERATION  
BY OPERATIONAL LAW